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6 UNITED STATES DISTRICT COURT
7
8 DISTRICT OF NEVADA

9 ***

10 UNITED STATES OF AMERICA,)	
)	2:21-cr-00236-JAD-EJY-1
11 Plaintiff,)	
)	
12 v.)	<u>STIPULATION TO CONTINUE</u>
)	<u>MOTIONS DEADLINE ONLY</u>
13 HENRIETTA BINFORD,)	(Tenth Request)
)	
14 Defendant.)	

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16 IT IS HEREBY STIPULATED by and between Jason M. Frierson, United States
17 Attorney, as well as Justin Washburne and Steven W. Myhre, Assistant United States Attorneys,
18 Counsel for the United States of America; and Angela H. Dows, Esq., counsel for Defendant
19 HENRIETTA BINFORD, that the pretrial motions and notices of defense deadline be moved for
20 approximately twenty-nine (29) days, to on or before November 3, 2023. The instant stipulation
21 is not intended to request a continuance of the current calendar call and trial dates of December
22 11, 2023 and December 19, 2023, respectively.

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24 This is the tenth overall request for a continuance in this case, and the ninth request by
25 instant counsel for Defendant HENRIETTA BINFORD. This Stipulation is entered into based
26 upon the following:

- 27 1. That the parties request a continuance of the motions and notices of defense
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1 deadline, which is currently set to expire on October 5, 2023.

- 2 2. The requested extension of the pretrial motions and notice of defense deadline
3 from October 5, 2023 to November 3, 2023 is, in part, to allow for continued
4 negotiation of the case, and the particular terms of the plea agreement, without
5 providing details of negotiations thereon.
- 6 3. One additional aspect, in general terms, is the review of information as to the loss
7 amount(s) and/or restitution amount(s) calculated and whether there were offsets
8 or reductions that were not previously computed in said amount(s). The parties
9 continued to confer on said amounts up to and including October of 2023, with a
10 resolution as of October 2, 2023. Said resolution, however, does not provide the
11 defense with sufficient time to review an updated plea agreement ahead of the
12 current October 5, 2023 deadline on pretrial motions and notices of defense.
- 13 4. That counsel for Defendant has conferred with her client, who does not object to
14 the requested continuance.
- 15 5. That the additional time requested herein is not sought for purposes of delay, but
16 merely to allow the parties sufficient time by which to investigate, research,
17 respond and litigate any pretrial motions and/or defenses deemed necessary prior
18 to trial.
- 19 6. The additional time requested by this stipulation does not request an extension of
20 the time of trial. To the extent required, the additional time period requested to
21 continue the matter serves the ends of justice and outweighs the best interest of
22 the public and the defendant in a speedy trial pursuant to the Speedy Trial Act,
23 specifically 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B).
- 24 7. Pursuant to 18 U.S.C. § 3161(h)(7)(B)(i) and (ii) denial of this request for
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continuanee would result in a miscarriage of justice, as additional time is needed
by which to effectively and thoroughly research and prepare for trial within the
time limits established by 18 U.S.C. §3161, taking into account the exercise of
due diligence.

8. For all the above-stated reasons, the ends of justice would best be served by a
continuanee of the pretrial motions and notices of defense deadline.

DATED this 2nd day of October, 2023.

JASON M. FRIERSON
United States Attorney
By: /s/ Steven W. Myhre
STEVEN W. MYHRE
Assistant United States Attorney
By: /s/ Justin Washburne
JUSTIN WASHBURNE
Assistant United States Attorney
Counsel for Plaintiff

CORY READE DOWS & SHAFER
By: /s/ Angela H. Dows
ANGELA H. DOWS, ESQ.
Appointed Counsel for Defendant
Henrietta Binford

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	2:21-cr-00236-JAD-EJY-1
Plaintiff,)	
)	
v.)	<u>FINDINGS OF FACT,</u>
)	<u>CONCLUSIONS OF LAW, AND</u>
HENRIETTA BINFORD,)	<u>ORDER THEREON</u>
)	
Defendant.)	
_____)	

FINDINGS OF FACT

Based on the pending Stipulation of the parties, and good cause appearing therefore, the Court finds that:

1. Defense counsel requires a continuance of the motions and notices of defense deadline in order to review and research the case, including the review of an updated plea agreement and a case review by one or more persons including hired investigator(s) in the case.
2. The parties also request additional time to effectively represent their clients in appropriately preparing the case for trial, however do not request an extension of the calendar call or trial dates at this time.
3. Defendant does not object to the continuance.

CONCLUSIONS OF LAW

1 1. The additional time requested by this stipulation does not extend the time of trial.
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3 The period was previously found excludable in computing the time within which the trial herein
4 must commence pursuant to the Speedy Trial Act, specifically 18 U.S.C. § 3161(h)(7)(A) and
5 (h)(7)(B).

6 2. Denial of this request for continuance would result in a miscarriage of justice, as
7 additional time is needed by which to review the case, in a case involving charges of Healthcare
8 Fraud and Aiding and Abetting, Aggravated Identity Theft and Aiding and Abetting, and False
9 Statements Relating to Health Care Matters and Aiding and Abetting pursuant to 18 U.S.C. §
10 1347; 18 U.S.C. § 1028A; 18 U.S.C. § 1035(a) and 18 U.S.C. § 2.

11 3. Denial of this request for continuance would also deny the parties herein
12 sufficient time and the opportunity within which to effectively and thoroughly research and
13 prepare for trial within the time limits established by 18 U.S.C. §3161, taking into account the
14 exercise of due diligence. For the above-stated reasons, the ends of justice would best be served
15 by a continuance of the motions and notices of defense deadline, and such continuance
16 outweighs the best interests of the public and the defendants in a speedy trial.

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ORDER

IT IS THEREFORE ORDERED that the parties shall have to and including November 3, 2023 within which to file any and all pretrial motions and notices of defense.

IT IS SO ORDERED.

Dated: October 10, 2023.


UNITED STATES DISTRICT JUDGE